

DOJ's New WHIP Program: A New Weapon Against Fraud, or Just a Faster Path to an Existing Reward?

by Greg Brower

On October 20, 2026, the U.S. Department of Justice ("DOJ") announced the creation of the Fraud Whistleblower Incentive Program ("WHIP"), a new initiative designed to encourage the reporting of fraud involving federal healthcare programs and a range of government benefit programs. According to DOJ, WHIP is the first federal whistleblower rewards program to provide payments shortly after criminal charges are filed rather than requiring whistleblowers to wait until the conclusion of a criminal case and any related forfeiture proceedings.

The announcement has been accompanied by considerable fanfare. Attorney General Todd Blanche described the initiative as an opportunity for ordinary citizens to help expose fraud while receiving compensation for doing so, and DOJ officials characterized the program as an innovative addition to the federal government's anti-fraud arsenal. But while WHIP undoubtedly reflects a new enforcement priority, the more interesting question is whether it represents a meaningful departure from existing whistleblower frameworks or merely an incremental adjustment to long-established incentive structures.

How WHIP Works

Administered by DOJ's National Fraud Enforcement Division, eligible whistleblowers may receive awards ranging from \$10,000 to \$30,000 if they provide original information that leads to criminal charges in covered subject-matter areas. Unlike most existing federal whistleblower programs, payment can occur once charges are filed rather than after final resolution of the case. WHIP currently focuses on two broad categories of misconduct: (1) federal healthcare offenses and related fraud schemes; and (2) fraud involving government programs administered by certain agencies including the Departments of Agriculture, Labor, Health and Human Services, Housing and Urban Development, Education, Veterans Affairs, and the Small Business Administration. DOJ has also indicated that it will place particular emphasis on alleged fraud involving hospice care, home-health services, daycare programs, and related benefit programs.

One unique aspect of the program is speed. DOJ expressly argues that existing reward systems often require whistleblowers to wait years before receiving compensation, which creates a disincentive to reporting misconduct. WHIP seeks to eliminate that delay by providing a relatively modest reward

Greg Brower is Co-Chair of Brownstein Hyatt's Government Investigations White Collar Defense practice group. Prior to returning to the firm, Greg served as Chief Global Compliance Officer for Wynn Resorts. He serves on WLF's Legal Policy Advisory Board.

upfront, payable at DOJ's sole discretion following the filing of criminal charges and without the requirement of a conviction, forfeiture or final resolution of the case.

What Is Actually New?

At first glance, WHIP may seem revolutionary. In reality, it is more accurately characterized as an evolution of existing whistleblower programs than a wholesale innovation. The federal government has relied on financially motivated whistleblowers for generations. The False Claims Act permits private relators to bring qui tam actions on behalf of the United States and recover a percentage of government recoveries. Likewise, the SEC, CFTC, FinCEN, and DOJ's separate Corporate Whistleblower Awards Pilot Program all provide mechanisms through which insiders can obtain substantial monetary awards for reporting misconduct. The basic proposition that individuals should be paid for exposing fraud is therefore hardly new. Nor is the concept of incentivizing reports involving healthcare and government-benefit fraud novel. Such fraud has long been among the principal targets of False Claims Act enforcement.

The principal innovation is timing. WHIP attempts to solve what DOJ perceives as a practical problem: many whistleblower programs promise potentially large rewards but only after years of litigation, appeals, settlements, or forfeiture proceedings. WHIP instead offers a smaller, fixed-range payment relatively early in the process. In other words, DOJ is betting that certainty and immediacy may be more valuable to many tipsters than the possibility of a much larger award years down the road.

The False Claims Act Still Exists as the Bench Mark

For practitioners familiar with federal fraud enforcement, the most useful comparison remains the False Claims Act. Viewed through that lens, WHIP appears considerably less transformative than the Department's public statements might suggest. Indeed, the FCA provides whistleblowers with several advantages that WHIP does not, including:

- A statutory private right of action;
- The ability to initiate litigation directly;
- Judicial oversight;
- Statutory entitlement to a percentage of recoveries; and
- Potential recoveries that often reach hundreds of thousands or millions of dollars.

By contrast, WHIP offers relatively modest awards capped at \$30,000 and leaves payment decisions largely within DOJ's discretion. Whistleblowers cannot bring actions themselves, compel the government to investigate, or participate in litigation in the manner the FCA authorizes. As a practical matter, sophisticated whistleblower counsel presented with evidence of fraud on the federal government will likely continue to view the FCA as the preferred vehicle wherever a viable qui tam theory exists.

Who exactly is WHIP targeting?

The answer appears to be individuals who either lack a viable FCA claim, are unwilling to undertake years of litigation, or simply want a quicker and more certain reward. For those individuals, a guaranteed opportunity to obtain \$10,000 to \$30,000 shortly after charges are filed may prove attractive.

Compliance Implications

Regardless of whether WHIP is all that new, companies should not ignore it. The program lowers the barriers to reporting and potential whistleblowers no longer need to retain counsel, file a sealed qui tam complaint, or wait years for a case to mature. Instead, they can submit information directly to DOJ and potentially receive quick compensation if prosecutors determine the information warrants criminal charges.

For healthcare providers, government contractors, educational institutions, nonprofit organizations receiving federal funds, and businesses participating in federal benefit programs, the practical effect may be an increase in the volume of employee and third-party reporting. As a result, organizations should consider several steps toward avoiding whistleblower problems, including the following:

- Maintain robust internal reporting channels;
- Investigate complaints promptly;
- Carefully document remediation efforts;
- Evaluate potential self-disclosure obligations; and
- Ensure employees understand that concerns will be addressed internally before they seek outside reporting options.

Conclusion

While WHIP may not be the whistleblower revolution that some headlines suggest, the use of financial incentives to uncover fraud is deeply embedded in federal enforcement policy, and the False Claims Act remains the government's most powerful whistleblower tool. Nevertheless, DOJ's new program reflects an important strategic shift. Rather than promising potentially enormous rewards years in the future, WHIP offers comparatively modest rewards almost immediately after criminal charges are filed. That change may prove sufficient to generate a substantial increase in fraud reporting, particularly in healthcare and government-benefit programs. Whether WHIP ultimately succeeds will depend on a simple question: Are there individuals with actionable information who were unwilling to wait for traditional whistleblower rewards but are willing to come forward for a faster payment? If so, WHIP may become a significant enforcement tool even if it does not fundamentally alter the legal landscape.